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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,747	12/20/2000	Rodrigo Ernesto Santos Loureiro	1330.1097	4982

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT PAPER NUMBER

2683

DATE MAILED: 07/22/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/739,747	Applicant(s) LOUREIRO ET AL.	
Examiner Meless N Zewdu	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 April 2004.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10,13-27, 30 and 31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10,13-27,30 and 31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on 4/26/04.
2. Claims 11-12 and 28-29 have been cancelled in this amendment.
3. Claims 1-10, 13-27 and 30-31 are pending in this action.
4. **Remarks:** this amendment was submitted as supplemental to a previous amendment (paper No. 9) before applicant received the response Office Action, mailed on 4/30/04, from the Office. In other words, the supplemental amendment was entered after the later Office Action (paper No. 10) was mailed. As a result this Office Action was made out in response to the latest supplemental amendment (paper No. 11).

Allowable Subject Matter

The indicated allowability of claims 16 and 17 is withdrawn in view of the newly discovered reference(s) to Dowens (US 6,122,354). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 and 18-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nhaissi (US 6,381,315 B1) in view of Dowens (US 6,122,354).

As per claim 1: A method a network comprising:

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sending an account/subscription level invitation to one or more entities to join a hierarchy reads on '315 (see col. 6, lines 6-39). The universal exchange (fig. 1, element 2) creates a customer hierarchy from the pool of available carriers and participating customers (see particularly, col. 6, lines 6-20) wherein the prepaid telephone calling cards and long distance/international accounts can be considered as account/subscription levels.

receiving, from the one or more of the telecommunication entities, a request to join the hierarchy based upon the accounts/subscription level invitation reads on '315 (see col. 6, lines 15-39; col. 10, lines 10-18).

But, Nhaissi does not explicitly teach about transferring value between two or more accounts/subscriptions in the hierarchy and reloading one or more accounts/subscriptions in the hierarchy with configurable different values from another of the one or more accounts/subscriptions, as claimed by applicant. In other words, the claimed feature is calling for consolidating two or more accounts associated with corresponding communication subscriptions into a single account by being able to transfer funds from one account to another so as to pay an incurred bill from one or more communication subscriptions via the single account. However, in a related field of endeavor, Dowens teaches that when a prepaid calling card limit is reached, the user can transfer the balance for the remaining conversation to another account or party (see abstract; col. 1, lines 24-33; col. 3, lines 17-67; col. 4, lines 15-33). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify for the advantage of extending a limit of a prepaid calling card without disconnecting the communicating parties (see col. 1, lines 24-26).

As per claim 2: The method for creating customer hierarchies via a network wherein the information comprises a pre-paid account of the sender of the request reads on '315 (col. 5, lines 2-18; col. 6, lines 6-60).

As per claim 3: The method for creating customer hierarchies via a network wherein the information comprises a post-paid account of the sender of the request reads on '315 (see col. 5, lines 2-18; col. 6, lines 6-60).

As per claim 4: The method for creating customer hierarchies via a network wherein the information comprises a pre-paid subscription of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 5: The method for creating customer hierarchies via a network wherein the information comprises a post-paid subscription of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 6: The method for creating customer hierarchies via a network wherein the invitation is a pre-paid account level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60). Hierarchy level would have been obvious in the above modified prior art.

As per claim 7: The method for creating customer hierarchies via a network wherein the invitation is a post-paid account level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60). Hierarchy level would have been obvious in the above modified prior art.

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As per claim 8: The method for creating customer hierarchies via a network wherein the invitation is a pre-paid subscription level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 9: The method for creating customer hierarchies via a network wherein the invitation is a post-paid subscription level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 10: The method for creating customer hierarchies via a wherein the entities are users and/or owners of pre-paid or post-paid mobile phones reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 11: The method for creating customer hierarchies via a network further comprising:

transferring value between one or more subscriptions reads on '315 (see col. 9, lines 53-67). Mixture implies transferring value between one or more subscriptions.

As per claim 12: The method for creating customer hierarchies via a network further comprising:

reloading one or more subscriptions with configurable different values from one or more accounts reads on '315 (see col. 9, lines 53-67).

As per claim 13: The method for creating customer hierarchies via a network wherein the one or more accounts are associated with different types of subscriptions reads on '315 (see col. 9, lines 53-67). The Nhaissi reference advantageously provides alternative accounts and/or subscriptions.

As per claim 14: The method for creating customer hierarchies via a network further comprising:

reloading one or more accounts with value from other accounts reads on '315 (see col. 9, lines 53-67). Since Nhaissi's reference teaches that two accounts/subscriptions can be combined or mixed, it would have been obvious that many more subscriptions/accounts can be mixed or combined or transferred.

As per claim 15: A method for creating hierarchies via a network comprising:

means for sending an account/subscription level invitation to one or more entities to join a hierarchy reads on '315 (see col. 6, lines 6-39). The universal exchange (fig. 1, element 2) creates a customer hierarchy from the pool of available carriers and participating customers (see particularly, col. 6, lines 6-20) wherein the prepaid telephone calling cards and long distance/international accounts can be considered as account/subscription levels.

means for receiving, from the one or more of the telecommunication entities, a request to join the hierarchy based upon the accounts/subscription level invitation reads on '315 (see col. 6, lines 15-39; col. 10, lines 10-18). But, Nhaissi does not explicitly teach about transferring value between two or more accounts/subscriptions in the hierarchy and reloading one or more accounts/subscriptions in the hierarchy with configurable different values from another of the one or more accounts/subscriptions, as claimed by applicant. This difference feature is the same as the one recited in claim 1. Hence, the teaching and motivation too are as same as the one provided in the rejection of claim 1. Please refer therein.

As per claim 16: a method for creating hierarchies via a network, comprising:

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sending an account level and/or subscription level invitation to one or more mobile phones to join a hierarchy reads '315 (see col. 6, lines 6-39). The universal exchange (fig. 1, element 2) creates a customer hierarchy, for both landline and mobile phones, from the pool of available carriers and participating customers (see particularly, col. 6, lines 6-20) wherein the prepaid telephone calling cards and long distance/international accounts can be considered as account/subscription levels.

receiving, from one or more mobile phones, a request to join the hierarchy based upon the invitation reads on '315 (see col. 6, lines 15-39; col. 10, lines 10-18).

adding, account and/or subscription information to the hierarchy reads on '315 (col. 6, lines 20-39).

But, Nhaissi does not explicitly teach about transferring value between two or more subscriptions associated with one or more mobile phones and reloading the one or more subscriptions with configurable different values from one or more accounts. The teaching and motivation for this difference feature is same as provided in the rejection of claim 1. Please refer therein. Applicant also recites "reloading one or more subscriptions with value from other accounts" which is not in essence different from the immediate preceding feature, since other accounts can be one or more accounts.

As per claim 17: the method for creating customer hierarchies via a network:

wherein the one or more subscriptions are subscriptions of different types reads on '315 (see col. 6, lines 40-60).

As per claim 18: A method for automatically creating hierarchies without human processing via a network, comprising:

automatically sending an account/subscription level invitation to one or more entities to join a hierarchy reads on '315 (see col. 6, lines 6-39). The universal exchange (fig. 1, element 2) creates a customer hierarchy, for both landline and mobile phones, from the pool of available carriers and participating customers (see particularly, col. 6, lines 6-20) wherein the prepaid telephone calling cards and long distance/international accounts can be considered as account/subscription levels.

automatically receiving, from the one or more of the telecommunication entities, a request to join the hierarchy based upon the account/subscription level invitation reads on '315 (see col. 6, lines 15-39; col. 10, lines 10-18).

But, Nhaissi does not explicitly teach about transferring value between two or more accounts/subscriptions in the hierarchy and reloading one or more accounts/subscriptions in the hierarchy with configurable different values from another of the one or more accounts/subscriptions, as claimed by applicant. Since this difference feature is same as one provided in claim 1, the teaching and motivation are as provided therein.

As per claim 19: The method for creating customer hierarchies without human processing via a network wherein the information comprises a pre-paid account of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 20: The method for creating customer hierarchies without human processing via a network wherein the information comprises a post-paid account of the sender of the request reads on '315 (see col. 5, lines 2-18; col. 6, lines 6-60).

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As per claim 21: The method for creating customer hierarchies without human processing via a network wherein the information comprises a pre-paid subscription of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 22: The method for creating customer hierarchies without human processing via a network wherein the information comprises a post-paid subscription of the sender of the request reads on '315 (see col. 6, lines 54-60).

As per claim 23: The method for automatically creating customer hierarchies without human processing via a network wherein the invitation is a pre-paid account level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60). Hierarchy level would have been obvious in the above modified prior art.

As per claim 24: The method for automatically creating customer hierarchies without human processing via a network wherein the invitation is a post-paid account level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60). Hierarchy level would have been obvious in the above modified prior art.

As per claim 25: The method for automatically creating customer hierarchies without human processing via a network wherein the invitation is a pre-paid subscription level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 26: The method for automatically creating customer hierarchies without human processing via a network wherein the invitation is a post-paid subscription level invitation reads on '315 (see col. 5, lines 2-18; col. 6, lines 54-60).

As per claim 27: The method for creating customer hierarchies without human processing via a network wherein the entities are users and/or owners of pre-paid or post-paid mobile phones reads on '315 (see col. 5, line 2-18; col. 5, line 54-col. 9, line 39; col. 9, lines 53-67).

As per claim 28: The method for automatically creating customer hierarchies without human processing via a network further comprising:
automatically transferring value between one or more subscriptions reads on '315 (see col. 9, lines 53-67). Mixture implies transferring value between one or more subscriptions.

As per claim 29: The method for automatically creating customer hierarchies without human processing via a network further comprising:
automatically reloading one or more subscriptions with configurable different values from one or more accounts reads on '315 (see col. 9, lines 53-67).

As per claim 30: The method for automatically creating customer hierarchies without human processing via a network wherein the one or more accounts are associated with different types of

Subscriptions reads on '315 (see col. 9, lines 53-67). The Nhaissi reference advantageously provides alternative accounts and/or subscriptions.

As per claim 31: The method for automatically creating customer hierarchies without human processing via a network further comprising:
automatically reloading one or more accounts with value from other accounts on '315 (see col. 9, lines 53-67). Since Nhaissi's reference teaches that two accounts/subscriptions can be combined or mixed, it would have been obvious that many more subscriptions/accounts can be mixed or combined or transferred.

Response to Arguments

Applicant's arguments with respect to claims 1-10, 13-27 and 30-31 have been considered but are moot in view of the new ground(s) of rejection.


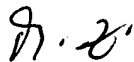
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu
Examiner



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

12 July 2004.